



94TH GENERAL ASSEMBLY

State of Illinois

2005 and 2006

HB5226

Introduced 01/24/06, by Rep. Robert Rita

SYNOPSIS AS INTRODUCED:

605 ILCS 10/9.12

Amends the Toll Highway Act. Provides that, if a privately held corporation with more than 400 shareholders holds a beneficial interest in land intended to be used or acquired for toll highway purposes, only those persons or entities holding a beneficial interest in excess of 5% must be disclosed. Provides that disclosure must be made by a written statement filed with the Illinois State Toll Highway Authority prior to (rather than contemporaneously with) its execution of the agreement or understanding for the use or acquisition of the property. Provides that the Authority must file the written statement of disclosure for recordation prior to its execution of the agreement or understanding or within 15 business days after the statement is filed with the Authority, whichever is earlier (rather than providing that the statement must be filed for recordation within 3 business days of its filing with the Authority). Effective immediately.

LRB094 16683 DRH 51953 b

1 AN ACT concerning transportation.

2 **Be it enacted by the People of the State of Illinois,**
3 **represented in the General Assembly:**

4 Section 5. The Toll Highway Act is amended by changing
5 Section 9.12 as follows:

6 (605 ILCS 10/9.12)

7 Sec. 9.12. Land disclosure requirements.

8 (a) Disclosure required. The Authority may not enter into
9 any agreement or understanding for the use or acquisition of
10 land that is intended to be used or acquired for toll highway
11 purposes unless full disclosure of all beneficial interests in
12 the land is made under this Section.

13 (b) Condemnation proceedings. If the Authority commences
14 condemnation proceedings to acquire land that is intended to be
15 used or acquired for toll highway purposes, the holders of all
16 beneficial interests in the land must make full disclosure
17 under this Section unless the court determines that the
18 disclosure would cause irreparable harm to one or more holders
19 of a beneficial interest.

20 (c) Beneficial interests. Each holder of any beneficial
21 interest in the land, including without limitation beneficial
22 interests in a land trust, must be disclosed, including both
23 individuals and other entities. If any beneficial interest is
24 held by an entity, other than an entity whose shares are
25 publicly traded, and not by an individual, then all the holders
26 of any beneficial interest in that entity must be disclosed. If
27 the entity is a privately held corporation with more than 400
28 shareholders, only those persons or entities holding a
29 beneficial interest in excess of 5% must be disclosed. This
30 requirement continues at each level of holders of beneficial
31 interests until all beneficial interests of all individuals in
32 all entities, other than entities whose shares are publicly

1 traded or that are privately held and have more than 400
2 shareholders, have been disclosed.

3 (d) Written statement. Disclosure must be made by a written
4 statement filed (i) with the Authority prior to its
5 ~~contemporaneously with the~~ execution of the agreement or
6 understanding or (ii) in the case of a condemnation proceeding,
7 with the Authority and the court within a time period ordered
8 by the court. Each individual and entity must be disclosed by
9 name and address and by a description of the interest held,
10 including the percentage interest in the land held by the
11 individual or entity. The statement must be verified, subject
12 to penalty of perjury, by the individual or entity that ~~who~~
13 holds the greatest percentage of beneficial interest in the
14 land.

15 (e) Recordation. The Authority must file the statement of
16 record with the recorder of each county in which any part of
17 the land is located prior to its execution of the agreement or
18 understanding or within 15 ~~3~~ business days after the statement
19 is filed with the Authority, whichever is earlier.

20 (f) Agreements and understandings void. Any agreement or
21 understanding in violation of this Act is void.

22 (g) Penalty. A person who knowingly violates this Section
23 is guilty of a business offense and shall be fined \$10,000.

24 (h) Other disclosure requirements. The disclosure required
25 under this Act is in addition to, and not in lieu of, any other
26 disclosure required by law.

27 (Source: P.A. 92-759, eff. 8-2-02.)

28 Section 99. Effective date. This Act takes effect upon
29 becoming law.